

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2007 AUG 20 P 2:31

U.S. DISTRICT COURT  
DISTRICT OF MASS.

LEON ROBINSON,  
Plaintiff

v.

CIVIL ACTION NO. 04-11023-RCL

THOMAS MENINO, ET AL.,  
Defendants.

MOTION FOR APPOINTMENT OF COUNSEL

Now comes the plaintiff, Leon Robinson, pro se, and respectfully moves this Honorable Court, pursuant to 28USC§ 1915(e), for an order appointing counsel to represent/assist him in the above captioned civil action. In support of this motion, the defendant states the following :

- 1.) This civil action was originally filed on 01/28/04, in Suffolk Superior Court. (Robinson v. Menino, et. al. #SUCV-2004-00377). On 04/26/04, the Superior Court, White, J., found Mr. Robinson to be indigent, waived the filing fees and allowed him to proceed "in forma pauperis" in this civil action. (See state court docket paper #11).
- 2.) The plaintiff has been incarcerated in the Massachusetts State Prison System since 02/21/01. Any funds he had available to him prior to this incarceration were spent

on his defense and his 6 years of incarceration.

- 3.) The plaintiff was found guilty in Suffolk Superior Court on 05/27/05, and is now vigorously working at his appellate process. Counsel has been appointed to represent him in these proceedings, but counsel will not assist him with this civil action. These appellate issues in his criminal proceedings are the plaintiff's top priority, as they should be, and they are consuming a great deal of his time and resources.
- 4.) On 05/26/04, the state court proceedings were removed, by the defendant(s), to this Honorable Court. On 09/20/04, the plaintiff moved this court for the appointment of counsel. (See US Dist Ct docket sheet, papers #12 & 13). On 09/30/04, this motion was denied 'without prejudice' by Judge Reginald C. Lindsay. (Docket paper #13(a)).
- 5.) After approximately 16 months of litigation in this Honorable Court, it was determined that this matter should be 'stayed' pending the appellate process in the state criminal proceedings. (See docket papers #60 & 61).
- 6.) The plaintiff's imprisonment, and his state appellate proceedings, place severe impediments on his ability to investigate and 'effectively' prepare this matter for trial.

The issues in this matter are complex and include numerous defendants, some of whom have unlimited resources (legal and investigative) at their disposal to oppose the plaintiff's claims anyway possible. The plaintiff cannot "fairly and effectively" investigate and prepare this action for trial while incarcerated in a level 6 "Super Max" State Prison, facing defendant(s) such as these. This would be a daunting task for a law firm, it is potentially insurmountable to this 'pro se' plaintiff.

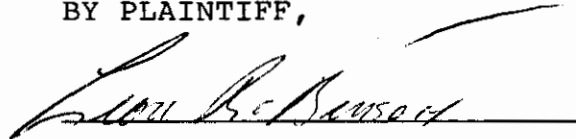
- 7.) The claims made in this action are interwoven with the plaintiff's pending state criminal proceedings. Counsel is needed now, more than ever, to assist the plaintiff in fully understanding the complexity of these proceedings, and what needs/choices he faces, what, if any, amendments need to be made to his complaint and the defendant(s). The time during this 'stay' of the proceedings **could**, and **should**, be used to fully investigate, document and refine the plaintiff's claims and factual record.
- 8.) A trial in this case will involve conflicting testimony from the numerous defendants. Expert testimony may also be necessary. In such a complex matter, counsel would better enable the plaintiff to present evidence and cross examine witnesses. Appointing counsel will not only benefit the plaintiff, but is in the 'best interest' of the court, and the defendant(s) as well. It will also ensure that Justice

is best served.

Wherefore, the plaintiff prays that this Honorable Court will reconsider this issue and appoint counsel to represent/assist the plaintiff in this complex civil rights action. ALL parties will benefit from this appointment and it will also keep the proceedings fair, and ensure justice is done. This is the time where and when counsel is needed most. The plaintiff asks that this Honorable Court review, and consider, the attached memorandum of law in support of this motion.

DATED: 8/14/07

RESPECTFULLY SUBMITTED  
BY PLAINTIFF,



Leon Robinson  
Plaintiff  
SBCC  
PO Box 8000  
Shirley, MA. 01464

I have read the foregoing statements and hereby swear that the matters alleged therein are true. I do this under the pains and penalties of perjury.

Executed at SBCC, Shirley, MA. on this 14 day of August, 2007.

\*   
Leon Robinson, pro se

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CERTIFICATION PURUANT TO LOCAL RULE 7.1(A)(2)

Puruant to L.R. D. Mass. 7.1(A)(2), I, Leon Robinson, Plaintiff hereby certify that I have been unable to contact nor communicate with the Defendant(S), and their Attorney(S), as the Plaintiff is currently Incarcerated and without Counsel to Communicate with the Defendants, concerning the Plaintiff's Motion for Appointment of Counsel and Memorandum of Law in Support for Appointment of counsel, and **therefore**, I were unable to resolve or narrow the issue prior to filing the above motion.

Respectfully Submitted,  
BY THE PLAINTIFF,

/s/   
LEON ROBINSON, W-85592

CERIFICATE OF SERVICE

I, Leon Robinson, hereby certify that on this 14<sup>th</sup> day August, 2007, I served a true copy of the forgoing documents upon All of the Defendant's Counsel's by prepaid first class postage mail to all parties in this Civil case.

/s/   
LEON ROBINSON, PLAINTIFF, W-85592

DATE: 8/14/07